

|                                    |   |                      |
|------------------------------------|---|----------------------|
| DOCKET NUMBER: HHB-CV-16-6032064-S | : | SUPERIOR COURT       |
|                                    | : |                      |
| PCX AEROSTRUCTURES, LLC,           | : | JUDICIAL DISTRICT OF |
|                                    | : | NEW BRITAIN          |
| Plaintiff,                         | : |                      |
|                                    | : | AT NEW BRITAIN       |
| v.                                 | : |                      |
|                                    | : |                      |
| WELLMAN DYNAMICS CORPORATION,      | : |                      |
|                                    | : |                      |
| Defendant.                         | : | May 19, 2016         |

**PLAINTIFF'S AFFIDAVIT OF ATTORNEY'S FEES**

|                      |   |              |
|----------------------|---|--------------|
| STATE OF CONNECTICUT | ) |              |
|                      | ) | ss: STAMFORD |
| COUNTY OF FAIRFIELD  | ) |              |

WILLIAM M. TONG, having been duly sworn, hereby deposes and says:

1. I am over the age of eighteen (18) years and I understand the nature and obligations of my oath. I have personal knowledge of the facts contained herein.
2. I am Of Counsel to the law firm of Finn Dixon & Herling LLP.
3. Finn Dixon & Herling LLP is counsel to plaintiff PCX Aerostructures, LLC ("Plaintiff") in connection with the above-captioned matter.
4. On March 16, 2016, Plaintiff filed a Motion for Default for Failure to Appear. On March 23, 2016, the Court entered a default against defendant Wellman Dynamics Corporation ("Defendant"). A true and correct copy of the March 23 Order is attached hereto as Exhibit A.

5. On April 8, 2016, Plaintiff requested a hearing in damages.

6. Plaintiff retained Finn Dixon & Herling LLP as counsel in this matter on or about December 1, 2015, and later filed its complaint in this action dated January 22, 2016, which is now on file with the Court (the "Complaint").

7. As set forth in the Complaint, Plaintiff submitted its Terms and Conditions of Purchase (the "Terms and Conditions") with its order, which were accepted by Defendant. A copy of the Terms and Conditions are attached to the Complaint as Exhibit B.

8. Section 9 of the Terms and Conditions provides that Defendant is liable to Plaintiff for all expenses, including attorney's fees:

Seller shall defend, indemnify and hold Buyer. . . harmless from and against any and all claims, liabilities, losses, damages (including special, consequential and incidental damages), actions and *expenses (including attorney's fees)* in connection with: (a) any breach by Seller of its warranties, covenants or obligations hereunder; (b) any injury . . . or economic loss arising out of or related to (i) defective or nonconforming goods or services supplied by Seller under this Order. . . .

Terms and Conditions at § 9 (emphasis added).

9. I have reviewed the attorney's fees and disbursements/expenses incurred by Plaintiff in this action. From December 1, 2015 through April 30, 2016, the legal fees and disbursements totaled **\$16,691.05** (\$15,904.35 in fees and \$786.70 in disbursements). This total includes a ten percent (10%) courtesy discount on the firm's regular hourly rates.

10. Attached hereto as Exhibit B are the actual invoices generated in the ordinary course of business for the period December 1, 2015 through April 30, 2016.

11. The attorneys and paraprofessionals who represent Plaintiff in this matter, and their respective billing rates, are as follows:

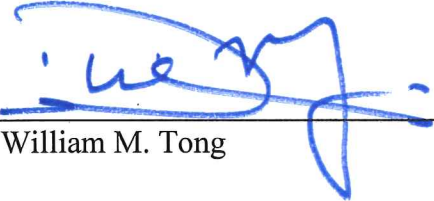
| NAME                | TITLE            | 2015     | 2016     |
|---------------------|------------------|----------|----------|
| Alfred U. Pavlis    | Partner          | ---      | \$680.00 |
| William M. Tong     | Of Counsel       | \$480.00 | \$495.00 |
| Catherine A. Sommer | Senior Paralegal | \$275.00 | \$275.00 |

12. As detailed in Exhibit B, 41.70 hours of time were expended on this matter during the period December 1, 2015 through April 30, 2016.

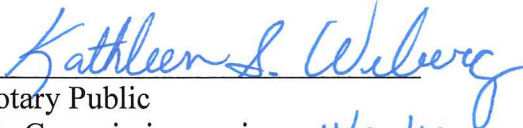
13. The attorneys and paraprofessionals represent the Plaintiff in this matter as follows:

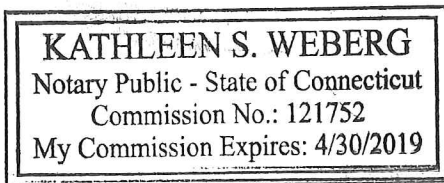
- a. Attorney Pavlis is the partner in charge of the case, primarily responsible for strategy and oversight;
- b. Attorney Tong is lead litigation counsel in this case, primarily responsible for all substantive pleadings, motions, court appearances, and other litigation activities; and
- c. Senior Paralegal Sommer is responsible for all docketing, filings and related functions.

14. I have generally supervised and coordinated the assignment of tasks for this matter, and have assigned tasks to the appropriate persons to ensure efficient and cost-effective representation of the Plaintiff.

  
William M. Tong

The foregoing was subscribed and sworn  
to before me the 19<sup>th</sup> day of May 2016:

  
Notary Public  
My Commission expires: 4/30/19



# **EXHIBIT A**

DOCKET NO: HHBCV166032064S

PCX AEROSTRUCTURES, LLC  
V.  
WELLMAN DYNAMICS CORPORATION

SUPERIOR COURT

JUDICIAL DISTRICT OF NEW BRITAIN  
AT NEW BRITAIN

3/23/2016

ORDER 089998

ORDER

ORDER REGARDING:  
03/16/2016 103.00 MOTION FOR DEFAULT -FAILURE TO APPEAR PB 17-20

The foregoing, having been considered by the clerk, is hereby:

ORDER: GRANTED

Motion for Default for Failure to Appear has been granted against WELLMAN DYNAMICS CORPORATION on 3/23/2016.

\* If you file an appearance in this case before judgment is entered against you, the default for failure to appear will automatically be set aside by the clerk. Practice Book Sec. 17-20.

Notice sent to non-appearing party.

Judicial Notice (JDNO) was sent regarding this order.

089998

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BY THE CLERK  
Processed by: Stefan Petraske

## **EXHIBIT B**



ATTORNEYS AT LAW

PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

January 29, 2016  
Matter #: 56068.005

**SUMMARY OF INVOICE # 132182**

For Services Rendered through December 31, 2015  
In connection with Wellman Dynamics Corporation

|                                     |                   |
|-------------------------------------|-------------------|
| Fees for Legal Services             | \$8,515.00        |
| Costs and Disbursements             | 262.30            |
| 10% General Representation Discount | -851.50           |
| <b>TOTAL DUE WITH THIS INVOICE</b>  | <b>\$7,925.80</b> |

**Wire Transfer and ACH Instructions**

Bank: CitiBank, New York, NY  
ABA #: 021000089  
Account #: 4977168139



PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

Invoice # 132182  
January 29, 2016  
Page 2

For Services Rendered Through December 31, 2015

Matter #: 56068.005

**FEE DETAILS**

| <b><u>Date</u></b> | <b><u>TKPR</u></b> | <b><u>Description</u></b>  | <b><u>Hrs</u></b> | <b><u>Fees</u></b> |
|--------------------|--------------------|--|-------------------|--------------------|
| 12/01/15           | WMT                | Conf. R. Kohlberger re: Wellman action; conf. A. Pavlis re: same.  | 0.60              | 288.00             |
| 12/02/15           | WMT                | Draft litigation hold; draft complaint; review UCC re: claims for sale of goods                                    | 2.20              | 1,056.00           |
| 12/04/15           | CAS                | Discussion with W. Tong regarding complaint to be drafted and filed  | 0.10              | 27.50              |
| 12/09/15           | WMT                | Draft complaint re: Wellman; research re: same; conf. R. Kohlberger re: same.                                      | 3.70              | 1,776.00           |
| 12/15/15           | WMT                | Tel. conf. T. Fagan re: complaint; review docs. re: same; draft complaint re: same; research re: causes of action. | 1.60              | 768.00             |
| 12/21/15           | NJ                 | Loaded Wellman emails into eclipse SE. Tiff and OCR all files and setup for review.                                | 0.50              | 87.50              |
| 12/22/15           | WMT                | Draft complaint; research re: same.  | 1.60              | 768.00             |
| 12/23/15           | WMT                | Draft complaint.   | 2.30              | 1,104.00           |
| 12/24/15           | WMT                | Review emails w/Wellman.   | 1.20              | 576.00             |
| 12/30/15           | WMT                | Emails re: Eartlink; review termination letter.  | 0.30              | 144.00             |
| 12/31/15           | WMT                | Draft complaint; review emails re: same.   | 4.00              | 1,920.00           |
| <b>TOTAL FEES</b>  |                    |  |                   | <b>\$8,515.00</b>  |

**COSTS AND DISBURSEMENTS**

|                                      |               |
|--------------------------------------|---------------|
| Online Research                      | 262.30        |
| <b>Total Costs and Disbursements</b> | <b>262.30</b> |



ATTORNEYS AT LAW

PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

February 26, 2016  
Matter #: 56068.005

**SUMMARY OF INVOICE # 132682**

For Services Rendered through January 31, 2016  
In connection with Wellman Dynamics Corporation

|                                     |                   |
|-------------------------------------|-------------------|
| Fees for Legal Services             | \$4,751.00        |
| Costs and Disbursements             | 524.40            |
| 10% General Representation Discount | -475.10           |
| <b>TOTAL DUE WITH THIS INVOICE</b>  | <b>\$4,800.30</b> |

**Wire Transfer and ACH Instructions**

Bank: CitiBank, New York, NY  
ABA #: 021000089  
Account #: 4977168139

PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

Invoice # 132682  
February 26, 2016  
Page 2

For Services Rendered Through January 31, 2016

Matter #: 56068.005

**FEE DETAILS**

| <u>Date</u>       | <u>TKPR</u> | <u>Description</u>  | <u>Hrs</u> | <u>Fees</u>       |
|-------------------|-------------|---|------------|-------------------|
| 01/04/16          | AUP         | Conf. with W. Tong; review draft complaint  | 0.50       | 340.00            |
| 01/04/16          | CAS         | Review and revise complaint for W. Tong; draft summons for same; discussion and email with W. Tong regarding same   | 1.20       | 330.00            |
| 01/04/16          | WMT         | Draft complaint; conf. A. Pavlis re: same; emails re: same.   | 1.50       | 742.50            |
| 01/07/16          | WMT         | Revise complaint; emails re: same; conf. R. Kohlberger re: same.  | 0.30       | 148.50            |
| 01/11/16          | WMT         | Tel. conf. T. Fagan re: complaint; revise same; conf. A. Pavlis re: same.   | 0.80       | 396.00            |
| 01/12/16          | WMT         | Tel. conf. T. Fagan re: complaint; revise same.   | 0.40       | 198.00            |
| 01/13/16          | WMT         | Conf. A. Pavlis re complaint; tel. conf. T. Fagan re same; revise same.   | 1.80       | 891.00            |
| 01/14/16          | WMT         | Revise complaint; conf. A. Pavlis re: same.   | 0.70       | 346.50            |
| 01/18/16          | WMT         | Revise complaint; prep. same for filing; emails re: same.   | 0.60       | 297.00            |
| 01/19/16          | CAS         | Emails and discussion with W. Tong regarding complaint to be finalized and served; review, revise and finalize complaint; draft summons for same; telephone calls to Marshal Wolfe regarding service of complaint | 2.10       | 577.50            |
| 01/19/16          | WMT         | Prep. Wellman complaint for service; conf. C. Sommer re: same.  | 0.70       | 346.50            |
| 01/21/16          | CAS         | Discussion with W. Tong regarding filing of complaint with the court  | 0.10       | 27.50             |
| 01/22/16          | CAS         | File Summons, Complaint and return of service with the court; discussion and email with W. Tong regarding same  | 0.40       | 110.00            |
| <b>TOTAL FEES</b> |             |   |            | <b>\$4,751.00</b> |

**COSTS AND DISBURSEMENTS**

|   |               |
|---|---------------|
| VENDOR: Robert M. Wolfe; INVOICE#: 15040; | 166.70        |
| DATE: 1/20/2016 Summons served            |               |
| E-Filing Civil, Judicial branch           | 357.70        |
| <b>Total Costs and Disbursements</b>      | <b>524.40</b> |



ATTORNEYS AT LAW

PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

March 29, 2016  
Matter #: 56068.005

**SUMMARY OF INVOICE # 133159**

For Services Rendered through February 29, 2016  
In connection with Wellman Dynamics Corporation

|                                     |                 |
|-------------------------------------|-----------------|
| Fees for Legal Services             | \$726.00        |
| 10% General Representation Discount | -72.60          |
| <b>TOTAL DUE WITH THIS INVOICE</b>  | <b>\$653.40</b> |

**Wire Transfer and ACH Instructions**

Bank: CitiBank, New York, NY  
ABA #: 021000089  
Account #: 4977168139

PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

Invoice # 133159  
March 29, 2016  
Page 2

For Services Rendered Through February 29, 2016

Matter #: 56068.005

**FEE DETAILS**

| <b><u>Date</u></b> | <b><u>TKPR</u></b> | <b><u>Description</u></b>  | <b><u>Hrs</u></b> | <b><u>Fees</u></b> |
|--------------------|--------------------|--|-------------------|--------------------|
| 02/04/16           | CAS                | Review court emails on judge assignment and email same to W. Tong  | 0.10              | 27.50              |
| 02/05/16           | CAS                | Email to W. Tong regarding default for appearance to be filed; draft motion for default for failure to appear. | 0.30              | 82.50              |
| 02/05/16           | WMT                | Emails re: default.  | 0.20              | 99.00              |
| 02/09/16           | CAS                | Email to W. Tong regarding default to be filed; revise default for filing                                      | 0.20              | 55.00              |
| 02/09/16           | WMT                | Prep. default; tel. conf. T. Fagan re: same; conf. C. Sommer re same.  | 0.40              | 198.00             |
| 02/10/16           | CAS                | Finalize and file motion for default and oversee service of same   | 0.20              | 55.00              |
| 02/16/16           | CAS                | Check docket regarding status of motion for default  | 0.10              | 27.50              |
| 02/18/16           | WMT                | Emails re: status; conf. C. Sommer re: same.   | 0.20              | 99.00              |
| 02/22/16           | CAS                | Email to W. Tong regarding status of default   | 0.10              | 27.50              |
| 02/23/16           | CAS                | Email to W. Tong regarding status of motion for default  | 0.10              | 27.50              |
| 02/24/16           | CAS                | Telephone call with Marshal regarding supplemental return and status of same                                   | 0.10              | 27.50              |
| <b>TOTAL FEES</b>  |                    |  |                   | <b>\$726.00</b>    |



ATTORNEYS AT LAW

PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

April 26, 2016  
Matter #: 56068.005

**SUMMARY OF INVOICE # 133597**

For Services Rendered through March 31, 2016  
In connection with Wellman Dynamics Corporation

|                                     |                   |
|-------------------------------------|-------------------|
| Fees for Legal Services             | \$1,776.50        |
| 10% General Representation Discount | -177.65           |
| <b>TOTAL DUE WITH THIS INVOICE</b>  | <b>\$1,598.85</b> |

**Wire Transfer and ACH Instructions**

Bank: CitiBank, New York, NY  
ABA #: 021000089  
Account #: 4977168139

PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

Invoice # 133597  
April 26, 2016  
Page 2

For Services Rendered Through March 31, 2016

Matter #: 56068.005

**FEE DETAILS**

| <b><u>Date</u></b> | <b><u>TKPR</u></b> | <b><u>Description</u></b>  | <b><u>Hrs</u></b> | <b><u>Fees</u></b> |
|--------------------|--------------------|--|-------------------|--------------------|
| 03/01/16           | CAS                | Email regarding status of default; telephone call to Marshal Wolfe regarding supplemental return and status of same  | 0.10              | 27.50              |
| 03/07/16           | CAS                | Telephone call with Marshal Wolfe regarding return of service  | 0.20              | 55.00              |
| 03/09/16           | WMT                | Emails re: default; tel. conf. T. Fagan re: same.  | 0.40              | 198.00             |
| 03/14/16           | CAS                | File Supplemental return with the court; draft motions for default for failure to plead and appear and email same to W. Tong                                   | 0.20              | 55.00              |
| 03/14/16           | WMT                | Emails re: default.  | 0.10              | 49.50              |
| 03/15/16           | CAS                | Email to W. Tong re: defaults to be filed; memo to W. Tong regarding defaults and procedure for same   | 0.40              | 110.00             |
| 03/16/16           | CAS                | Finalize and file motions for default with the court and oversee service of same; email to and from W. Tong regarding same                                     | 0.30              | 82.50              |
| 03/16/16           | WMT                | Emails re: default; review same.   | 0.50              | 247.50             |
| 03/17/16           | CAS                | Office conference with W. Tong regarding defaults and judgement once defaults are rendered; research for W. Tong on defaults, judgments and hearing on damages | 1.00              | 275.00             |
| 03/17/16           | WMT                | Emails re: default; research re: same; conf. C. Sommer re: same.   | 0.70              | 346.50             |
| 03/19/16           | WMT                | Emails re: default.  | 0.10              | 49.50              |
| 03/22/16           | CAS                | Check docket for status on default motions   | 0.10              | 27.50              |
| 03/29/16           | CAS                | Review orders on default motions and email same to W. Tong and A. Pavlis   | 0.10              | 27.50              |
| 03/31/16           | CAS                | Discussion with W. Tong regarding default status   | 0.10              | 27.50              |
| 03/31/16           | WMT                | Emails re: default; conf. C. Sommer re: same; tel. conf. T. Fagan re: same.  | 0.40              | 198.00             |
| <b>TOTAL FEES</b>  |                    |  |                   | <b>\$1,776.50</b>  |



ATTORNEYS AT LAW

PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

May 18, 2016  
Matter #: 56068.005

**SUMMARY OF INVOICE # 133924**

For Services Rendered through April 30, 2016  
In connection with Wellman Dynamics Corporation

|                                    |                   |
|------------------------------------|-------------------|
| Fees for Legal Services            | \$1,903.00        |
|                                    | -190.30           |
| <b>TOTAL DUE WITH THIS INVOICE</b> | <b>\$1,712.70</b> |

**Wire Transfer and ACH Instructions**

Bank: CitiBank, New York, NY  
ABA #: 021000089  
Account #: 4977168139



PCX Aerostructures, LLC  
c/o RFE Investment Partners  
36 Grove Street  
New Canaan, CT 06840

Invoice # 133924  
May 18, 2016  
Page 2

For Services Rendered Through April 30, 2016

Matter #: 56068.005

**FEE DETAILS**

| <u>Date</u>       | <u>TKPR</u> | <u>Description</u>  | <u>Hrs</u> | <u>Fees</u>       |
|-------------------|-------------|---|------------|-------------------|
| 04/01/16          | WMT         | Conf. A. Pavlis re: Fansteel, Wellman; conf. C. Sommer re: default; emails re: same.  | 0.50       | 247.50            |
| 04/04/16          | CAS         | Obtain motion for judgment documents for W. Tong  | 0.30       | 82.50             |
| 04/05/16          | CAS         | Obtain motion for judgment and military affidavit documents for R. Brown; discussion and email with R. Brown regarding default; telephone call to marshal Wolfe regarding military affidavit  | 1.40       | 385.00            |
| 04/05/16          | WMT         | Conf. R. Brown re: default judgment; emails re: same.   | 0.20       | 99.00             |
| 04/06/16          | CAS         | Draft military affidavit and email same to W. Tong  | 0.20       | 55.00             |
| 04/07/16          | CAS         | Discussion and email with R. Brown and W. Tong regarding motion for judgment to be filed  | 0.10       | 27.50             |
| 04/07/16          | WMT         | Emails re: default, conf. R. Brown re: same.  | 0.30       | 148.50            |
| 04/08/16          | CAS         | Revise motion for judgment; telephone call to court regarding motion for judgment and certificate of closed pleadings for same; finalize and file Certificate of closed pleadings with the court and oversee service to defendant; discussion with W. Tong regarding same | 1.50       | 412.50            |
| 04/08/16          | WMT         | Emails re: default; conf. C. Sommer re: same.   | 0.20       | 99.00             |
| 04/13/16          | CAS         | Email to W. Tong regarding status of closed pleadings   | 0.10       | 27.50             |
| 04/15/16          | CAS         | Email to W. Tong regarding status and hearing in damages  | 0.10       | 27.50             |
| 04/19/16          | CAS         | Check docket regarding status of hearing for closed pleadings and hearing in damages  | 0.10       | 27.50             |
| 04/26/16          | CAS         | Discussion with W. Tong regarding status  | 0.10       | 27.50             |
| 04/28/16          | CAS         | Telephone call to court regarding status of hearing; draft caseflow request; email same to W. Tong and R. Brown; finalize and file the same with the court  | 0.40       | 110.00            |
| 04/28/16          | WMT         | Emails, tel. conf. re: hearing in damages.  | 0.20       | 99.00             |
| 04/29/16          | CAS         | Email to W. Tong regarding hearing in damages scheduled and attorney affidavits for same  | 0.10       | 27.50             |
| <b>TOTAL FEES</b> |             |   |            | <b>\$1,903.00</b> |

**CERTIFICATION**

I hereby certify that a copy of the foregoing was sent by United States mail, postage prepaid on this the 19<sup>th</sup> day of May, 2016 to the following:

Wellman Dynamics Corporation  
1746 Commerce Road  
Creston, Iowa 50801

/s/ William M. Tong  
William M. Tong